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10/616,809	07/10/2003	Steve O. Rasmussen	10012978-2	2282
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HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400				EXAMINER TRAN, LY T
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/616,809
Filing Date: July 10, 2003
Appellant(s): RASMUSSEN ET AL.

Scott Lund
For Appellant

EXAMINER'S ANSWER

MAILED

JUN 06 2005

GROUP 2800

This is in response to the appeal brief filed March 17, 2005 appealing from the Office action mailed 10/14/04.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

This appeal involves claims 46-62, 64, 66, 67, 78-90 and 92.

Claims 63, 65, 68-77, 91 and 93-104 are allowed.

(4) Status of Amendments After Final

The amendment after final rejection filed on 12/13/04 has not been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

5,818,487 Yoshimura 10-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

1. The 112 rejection of claims 55, 64 and 75 is no longer an issue. This rejection has been withdrawn.
- 2.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 46-62, 64, 66, 67, 78-90 and 92 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshimura (USPN 5,818,487)

With respect to claims 46, 83, 85 and 78 Yoshimura disclosed an apparatus of an inkjet printing system comprising (in the claims the ink is ejected on the second side of the media):

- A primary drive roller rotatably mounted on an entry side of the print zone and adapted to contact the print media and advance the print media through the print zone (FIG. 3: Element 116)
- A pinch roller rotatably mounted opposite the primary drive roller and adapted to contact the print media (FIG. 3: Element 121)
- A secondary drive roller/drive roller rotatably mounted on an exit side of the print zone and adapted to contact a first side of the print media (FIG. 4: Element 126)
- A starwheel (131) rotatably mounted opposite the secondary drive roller and configured to move between a disengaged position in which starwheel is spaced from the media and an engaged position in which the starwheel contacts a second side of the print media (FIG. 4: Element 131, at the disengaged position, the starwheel is prevented from contact the drive roller 126);
- Since the Appellant did not define the length of the trailing end portion of the print media, it appears that the circumference length of the starwheel disclose by Yoshimura can be considered greater than a length of the trailing portion of the print media. And since Yoshimura discloses the same structure as the present invention with the starwheel, it appears that the starwheel is adapted to contact the print media for less than one revolution of the starwheel.

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- Wherein the starwheel is adapted to be moved to the engaged position after the secondary drive roller contacts the first side of the media (Fig.6: element 131 is in engage position);
- Selectively actuating the wheel includes moving the wheel between a first position in which the wheel is spaced from the print media (fig.4) and a second position in which the wheel contacts the print media including moving the starwheel to the second position and contacting the second side of the media with the starwheel after the drive roller contacts the first side of the media (FIG. 6) and since the applicant does not define the length of the final length of the media, it appears that moving the starwheel to the second position when the final length of the media to be advanced through the print zone is less than a circumference of the starwheel.

With respect to claims 47 and 79, Yoshimura discloses the primary drive roller (element 116) is adapted to contact the first side of the media and the pinch roller (121) is adapted to contact the second side of the print media.

With respect to claims 48 and 80, Yoshimura discloses the print zone is defined to the second side of the print media and the printer is adapted to print on the second side of the print media (FIG. 7).

With respect to claims 49 and 81, the secondary drive roller and starwheel are adapted to advance the print media through the print zone (FIG. 6: Element 126, 131)

With respect to claim 50, Yoshimura discloses the starwheel is adapted to be in the engaged position when the secondary drive roller contacts the first side of the print media (FIG. 6: Element 131)

With respect to claim 51, Yoshimura discloses the print media has a leading portion and a trailing portion, and wherein the starwheel is adapted to be in disengaged position before the secondary drive roller contacts the leading portion of the print media (Fig.7)

With respect to claim 82, the starwheel is configured to move between a disengaged position in which the starwheel adapted to be adapted to be spaced from the print media and an engaged position in which the starwheel contacts the second side of the media (FIG. 4: Element 131, Fig.6: element 131, figure 4 shows that the starwheel 131 is at position disengage with the second primary roller 126, it's prevented from contact with the secondary drive roller 126), sine the Appellant does not define the final length, it appears that the starwheel is adapted to be moved to the engaged position when a final length of the print media to be advanced through the print zone is less than a circumference of the starwheel to contact the print media in the engaged position.

With respect to claim 52, Yoshimura discloses the starwheel is adapted to be moved to the engaged position after the secondary drive roller contacts the leading portion of the media (Fig.6).

With respect to claims 53 and 54, Yoshimura discloses the starwheel is adapted to be in the engaged position after the primary drive roller contacts the trailing portion of

the print media and the starwheel is adapted to be in engaged position when the trailing end of the media exit the print zone (fig.7, Column 6: line 48-58).

With respect to claims 55-57 and 92, since the Appellant does not define the length of the trailing portion and the final length of the media, it appears that the length of the trailing end portion of the media is less than a circumference of the starwheel and the starwheel is adapted to be moved to the engaged position when a final length of the print media to be advanced through the print zone is less than a circumference of the starwheel. And since Yoshimura discloses the same structure as the present invention with the starwheel, it appears that the starwheel is adapted to contact the print media for less than one revolution of the starwheel.

With respect to claim 84, Yoshimura discloses contacting the first side of the media with the drive roller and contacting the second side of the media with the starwheel including advancing the print media through the print zone with the drive roller and the starwheel (Fig.6).

With respect to claims 58, 83, 89, 90 and 86, Yoshimura discloses an apparatus and a method of a printing system (in these claims, the ink ejected on the first side of the media) comprising:

- A printhead assembly adapted to eject ink drops toward a first side of the print media into a print zone between the printhead assembly and the print media to print on the print media (Column 6: Line 7-16);
- Print media transport system adapted to route the media through the print system comprising:

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- A drive roller rotatably mounted on an exit side of the print zone and adapted to contact a second side of the media (fig.3: element 126);
- A starwheel rotatable mounted opposite the drive roller and configured to move between a disengaged position in which the starwheel is spaced from the media (fig.4) and an engaged position in which the starwheel contacts the first side of the media (Fig.6);
- Wherein the starwheel is adapted to be moved to the engaged position after the drive roller contacts the first side of the media (fig.6);
- Selectively actuating the wheel includes providing the wheel in the first position before contacting the first side of the print media with the drive roller (FIG. 4)
- selectively contact the second side of the print media based on a position of the print media (FIG. 4: Element 131, Fig.6: element 131)
- moving the starwheel to the second position while advancing the media through the print zone (fig.6).

With the claim 59, Yoshimura discloses the drive roller and the starwheel are adapted to advance the print media through the print zone (Fig.7).

With respect to claim 60, Yoshimura discloses the starwheel is adapted to be in the engaged position only when the drive roller contacts the second side of the media (Fig.6).

With respect to claim 61, Yoshimura discloses the media has leading and trailing portion, wherein the starwheel is adapted to be in the disengaged position before the drive roller contacts the leading end of the media (Fig.7).

With respect to claim 62, Yoshimura discloses the starwheel is adapted to be moved to the engaged position after the drive roller contacts the leading portion of the media (Fig.6).

With respect to claims 64, 66-67, 90 and 92, since the applicant did not define the length of the trailing and final portion of the print media, it appears that the circumference length of the starwheel disclose by Yoshimura can be considered greater than a length of the trailing portion of the print media and the starwheel is adapted to be moved to the engaged position when a final length of the print media to be advanced through the print zone is less than a circumference of the starwheel. And since Yoshimura discloses the same structure as the present invention with the starwheel, it appears that the starwheel is adapted to contact the print media for less than one revolution of the starwheel.

With respect to claim 87, Yoshimura discloses moving the starwheel between first and second position based on the position of the media during printing (Fig.4, 6).

With respect to claim 88, Yoshimura discloses that the starwheel is in the first position while feeding the media into the print zone (Fig.7).

(11) Response to Argument

The Appellant argues that Yoshimura does not disclose that the starwheel is prevented from contact with the drive roller in the independent claims 46, 58, 78, 83 and 86. The argument is not deemed to be persuasive because in the figure 4, the starwheel 131 is at a position disengaged from the roller 126. When it disengages it is prevented from contacting the drive roller 126. Appellant points out that in column 5, lines 49-58 and figure 7 shows that the paper discharge roller 131 of the Yoshimura patent contacts the drive roller 126. However, at other times the paper discharge roller 131 does not contact the drive roller 126 as shown in figure 4. Furthermore, the claims do not recite that the starwheel is prevented from contacting the drive roller at all times. Therefore, Yoshimura still meets the claimed invention.

For the above reasons, it is believed that the rejections should be sustained.

An appeal conference was held on May 17, 2005 with the following conferees:

Olik Chaudhuri
Mr. Olik Chaudhuri, SPE

Stephen Meier
Mr. Stephen Meier, SPE

Ly Tran
Ly Tran, Examiner

Respectfully submitted,

LT
May 17, 2005

Conferees
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

Stephen Meier
STEPHEN MEIER
SUPERVISORY PATENT EXAMINER